
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

BRUCE WAYNE HOUSER,

Plaintiff,

*versus*ANITA R. BREAUX, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:07-CV-348

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Bruce Wayne Houser, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Anita R. Breaux, Hilary S. Flood, William J. Kountz, Michael Dabney, Kirk E. Lorimier, Timothy Lester, J. P. Guyton, R. Waldon, Vicki Barrow and unidentified defendants.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing this action with prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge.

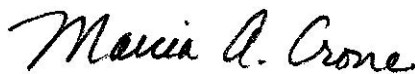
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit.

Plaintiff raised new claims in his objections, and he also sought leave to amend the complaint. Allowing plaintiff to amend or supplement the complaint at this point in the proceedings would cause undue delay. Plaintiff appears to be acting with a dilatory motive by raising the issues for the first time in his objections. Further, it would be futile to allow plaintiff to supplement the complaint because the incidents, which took place after the complaint was filed, could not have been exhausted before the lawsuit was filed. Accordingly, plaintiff is denied leave to amend or supplement the complaint. *See* FED. R. CIV. P. 15; *United States ex rel. Willard v. Humana Health Plan*, 336 F.3d 375, 386-87 (5th Cir. 2003) (citing *Foman v. Davis*, 371 U.S. 178, 182 (1962)).

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 21st day of June, 2010.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE